

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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EAGLE NATION CYCLES, STEVEN V. ERATO,  
MICHAEL L. FUNK, WENDY WILLIAMSON  
and LOTTIE A. TUCKER,

Plaintiffs,

v.

CITY OF NEENAH,  
NEENAH POLICE DEPARTMENT,  
HON. SCOTT C. WOLDT,  
CHIEF KEVIN E. WILKINSON,  
CAPTAIN THOMAS LONG and  
WINNEBAGO COUNTY,

Defendants.

Case No. 14-CV-1503

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**AFFIDAVIT OF MARTIN J. De VRIES IN SUPPORT OF MOTION TO DISMISS**

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STATE OF WISCONSIN    )  
                                          ) ss  
FOND DU LAC COUNTY    )

Martin J. De Vries being sworn on oath, deposes and states:

1. I am counsel for defendant County of Winnebago and I have personal knowledge of all matters stated herein.
2. Attached hereto as Exhibit 1 is a true and correct copy of the notices of depositions for plaintiffs Steven V. Erato, Micheal J. Funk, Wendy Williamson and Lottie A. Tucker.

3. I appeared for the deposition of plaintiff Steven V. Errato on November 5, 2015, at 9:00 a.m., at 9898 West Bluemound Road, Wauwatosa, WI. None of the plaintiffs appeared for the depositions.
4. Attached hereto as Exhibit 2 are true and correct copies of the transcripts noting non-appearance by each plaintiff.
5. At no time did counsel for plaintiffs contact me about rescheduling these depositions.
6. Plaintiffs' counsel has at no time contacted me about this matter nor have plaintiffs done any discovery.

*/s/ Martin J. De Vries*

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Martin J. De Vries

Subscribed and sworn to before  
me this 1<sup>st</sup> day of December, 2015

*/s/ Joan King*

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Notary Public, State of Wisconsin  
My commission expires: 7/21/2017